

**BOARD OF SELECTMEN
MEETING MINUTES
April 14, 2003**

PRESENT: DOUGLAS R. COOK, Co CHAIRMAN, BRIAN MCDONALD, SELECTMAN; LEON G. METHOT, SELECTMAN; LAURA PETRAIN, SELECTMAN.

GUEST: Frank Campana, Donald Burke, Dennis Lydon, Ginger Esenwine, Forrest Esenwine, Carl Knapp, Kelly Bumpus.

The Selectmen's Meeting was held at the Town Office Building. Selectman Cook commenced the meeting at 6:30 p.m.

Selectman Cook asked that everyone stand for the pledge of allegiance.

1. PUBLIC PARTICIPATION

Frank Campana – Mr. Campana asked the board why they sent the contract for the safety complex to the town attorney? Selectman Cook responded that it was sent for the attorney to look over legal wording, and make sure everything was in order. Mr. Campana then asked the board why the contract with the Police Chief was not sent to the town attorney? Selectman McDonald stated there was no reason to spend the town's money on the attorney, that the board had full understanding of the contract with the Police Chief. Mr. Campana asked the two board members that were present at the time of the signing if they see anything that is binding in the contract? Selectman McDonald responded that the signature of five Selectmen, compensation, benefits, and the non-interference clause. Mr. Campana asked if it is reasonable to expect input from town council on the six items that legally bind the town? Selectman Cook answered, personally no. Stated he is in agreement with Selectman McDonald that the contract is pretty straight forward. Mr. Campana then asked the board if they feel they have the expertise to draw up a contract without some type of legal input? Selectman McDonald stated he believes they do. That they are quite educated with the facts of the personnel policy, and multiple meetings with the town attorney regarding the personnel policy and contracts with employees. Mr. Campana asked the board if he was to compare the Police Chief's contract and the personnel policy, would

he see parallels? Selectman McDonald stated in his opinion Mr. Campana would see the present personnel policy is much more binding then the Chief's contract. Stated that this contract is between the town and the Police Chief, but there are state laws which also dictate more binding responsibilities. Mr. Campana stated that this contract is between the Police Chief and the five people that signed it, not between the town, the town did not have the opportunity to vote on it. Mr. Campana then asked if they feel this contract is in the best interest of the town and if so, why? Selectman Cook stated that he does believe this is in the best interest of the town. Stated that he believes the town needs some stability and this is one way to achieve it. Not only with the Chief, but with officers as well. Stated that the Chief's pay is no different then to compare someone like himself with his years of experience at the state level his pay is right in line. Mr. Campana asked why there is no mention of annual performance evaluation? Selectman Cook stated there is mention of performance in the last paragraph by New Hampshire Police Standards and Training. Mr. Campana asked when the evaluation would be preformed. Selectman Cook stated the Chief will receive an annual evaluation from the board. Mr. Campana stated he believes this not to be true because according to the contract, the Board of Selectmen have no say over the Police Chief. Selectman McDonald stated that the non-interference clause has to do with performance of duties. Stated he has no law enforcement background, and would not want to interfere with police duties. Stated they still have budgetary control, but as far as performance of duties he believes no local government body should get involved in the Police Department. Mr. Campana stated that he was in agreement of that, but thinks the board may not have as much input as they believe they do. Mr. Campana also asked the board if there is any stipulation on the use of the vehicle provided to the Chief. Selectman Cook stated he can assure him that the vehicle is not used for personal use. Mr. Campana concluded by stating his concern is that if someone has an issue with the Police Chief and can not get it resolved, they can not come to the board to get it resolved. Selectman Cook stated that of course they will be able to come to the board. That it is business as usual, and the board will not be allowed to medal into micromanaging, They are the same as with any other department head. Obviously, if they are trying to work with someone and they are not responding then there are ways to get out of everything.

2. PUBLIC WORKS

Selectman Cook opened bids for new six wheeler and equipment for them.

- Yankee GMC, Kentworth Trucks of Concord. \$72,176.00 offering \$6,500.00 for trades with serial numbers ending in 5520 and \$6,000.00 for 5521.

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- Freight Liner. \$67,599.00, trades \$6,000.00 each. Guaranteed buy back of chassis at the end of ten years for \$10,000.00
- Liberty International. \$64,132.00, trade \$16,500.00.
- Howard Fairfeild, received April 14th, package 1 - \$40,170.00, package - 2 \$31,738.00.
- Tenco, package - 1 \$38,385.00, package - 2 \$29,937.00.
- EW Sleeper, package - 1 \$43,395.00, package - 2 \$34,761.00.

Mr. Carl Knapp stated he will review them and get back to the board next week.

Mr. Knapp stated that for the bid last week on reclaiming, Pike has been used in the past. Selectman Cook moved to award Pike Industries the contract of reclaiming for the town of Weare at 58 cents per square yard. Seconded by Selectman Methot. A vote was taken. Motion passed all in favor.

Selectman Cook moved to award United Construction the contract for paving bid in the town of Weare \$32.90 per ton. Seconded by Selectman Petrain. A vote was taken. Motion passed all in favor.

Selectman Cook moved to award Henniker Crushed Stone with the gravel bid at \$2.85 per ton. Seconded by Selectman McDonald. A vote was taken. Motion passed all in favor.

Selectman Methot moved to award any crushed gravel to CJ Bolton at \$6.00 per yard. Seconded by Selectman Petrain. A vote was taken. Motion passed all in favor.

Selectman Cook moved to award Clean Harbor bid for household hazardous waste in the amount up to \$6,500.00. Seconded by Selectman McDonald. A vote was taken. Motion passed all in favor. Mr. Knapp wanted to inform public that hazardous waste pick up will be May 24th.

3. OLD BUSINESS

Board met with Mr. Jack Moody regarding a portion of Forest Road to be upgraded. Selectman Cook stated that back in 1997 the standard was paving. Selectman Cook stated that it is his understanding that the board can grant a waiver if they so choose. Mr. Moody wrote a letter asking for a waiver. Selectman Methot stated he has no

problem with this, but as he stated before, it does not change the road to a class V road. Stated the easiest way to change the classification is to put it on a warrant. Mr. Moody stated that he has enough frontage for four lots. Selectman Methot stated that he could not do any kind of subdivision with the current classification. Selectman Methot stated that even if all the upgrading of the road is done, still need to reclassify the road. Board had lengthy discussion with Mr. Moody regarding upgrading the road and process required for reclassifying. Board discussed waiving the paving requirement due to the fact that Mr. Moody already has a variance in place. Selectman Cook moved to waive the paving requirement for 900 ft. section of Forest Road. Selectman Cook made an amendment to include ZBA agreement. Seconded by Selectman McDonald. A vote was taken. Motion passed all in favor.

Selectman McDonald stated that he would like to continue discussion on Police Chief's contract. Stated that he heard some statements from Selectman Petrain and would like to speak about them. Stated that even though the timing on the signing of the contract was before the election, the majority of the current board still supports this contract. Stated he feels it is crucial to have contract. Stated he did not agree with Selectman Petrain's statement regarding fair and equal treatment. Stated that Police Chiefs and officers are held to a higher standard than other employees. Stated he also does not agree with it being stated as a golden contract. He did not think it was necessary to be sent to the attorney. Stated also the percentages of the contract is 1% less then Chief Tuttle's, the former Police Chief. Feels the dollar amount is fair, and you need to look at their background and experience. Went on to state he thinks they did good for the Town of Weare. And to the comment made by Mr. Campana regarding the town not voting on this contract, he stated that The Board of Selectmen for 363 days of the year are the elected officials of the town. Stated he is very proud of his decision in this matter.

Selectman Methot stated that the decision the board made regarding the golf course receiving a 10 year variance agreement should be put in writing. Stated that the agreement should be tied to the land, not the owner. Selectman McDonald agreed.

Selectman Methot then stated that as far as the \$100,000.00 being held back by the Trustees of the Trust Funds, he has a copy of the Handbook for Trustees for the Selectmen. Stated that on page 3 there is a supreme court decision. Stated that they believe the purpose of the capital reserve fund was not right. Stated there is a way to correct this by putting an article on the warrant to transfer the money from the capital reserve fund to another. Selectman Cook asked for clarification as to whether they are refusing to release the funds. Selectman Methot stated this was correct. Selectman Cook said lets bring it to court. Selectman Cook stated that this is semantics, and noted how long it has taken to get to this point. Selectman McDonald stated that this

is asinine. Selectman McDonald stated that it deals with two words, improvement and development. Selectman Methot stated they are not releasing the funds because they do not believe it was put in the right fund. Selectman Cook stated he will be very hesitant to expend any money in the future until they know the money is transferred over to the board's account. Stated that The Board of Selectmen signed off on it, and provided them with the voucher and does not feel they should not be here.

Selectman Methot stated he received a request for the Cable Committee to do an inventory. Selectman McDonald asked what is the reasoning for that? Selectman Methot responded that one of the citizens believes that a camcorder is missing. Selectman Cook stated that regardless of the reasoning, if a citizen requests it, it should be done. Selectman McDonald suggested looking for the item in question, rather than waiting for an inventory to be done.

Selectman Methot stated the board did not take any formal action to grant the gravel permits. Stated that Aggregate Industries has not had any activity in the last 3 years. Mr. Dennis Lydon and Selectman Methot discussed the meeting minutes from the meeting for gravel permits. Mr. Lydon stated that there has been no significant quantities, but can provide proof to the activity preformed. Selectman Methot stated that because there hasn't been any substantial activity there, it is considered an abandoned pit after two years and will need to get special exception from the ZBA. Mr. Lydon stated that the amount hauled is commercial viable. Selectman Methot stated that documentation will be proof enough. Mr. Lydon stated that he has been permitted every year. Selectman Methot requested a cover letter with the information. Selectman McDonald stated he wants to make sure they are operating under correct zoning board laws. Selectman Methot suggested they invite Mr. Nichols in for a discussion on this. Mr. Lydon asked for clarification of proof. Asked if the fact that he was permitted each year proof enough that I have not been abandoned? Board agreed that is proof enough.

Selectman Petrain asked about the issue concerning Sue Powers on River Road. Mr. Knapp stated that now that the snow is pretty much gone, he will contact her.

Selectman Petrain asked the board if all the evaluations have been done. Selectman Cook asked Mr. Knapp if his evaluations have been done. Mr. Knapp stated he has not done his evaluations. Board had lengthy discussion with Mr. Knapp on the importance of completing evaluations and reporting back to the board with the results. Selectman Petrain asked if the board is ready to do evaluations for department heads. Board agreed that evaluations should be started. Selectman McDonald stated that Ms. Evelyn Connor spoke of putting a raise before the voters. Selectman McDonald stated he would like to see that she gets the \$3,000.00 increase they spoke with her about.

Selectman Cook stated he would like to wait until they figure out where they stand and confirm what Selectman McDonald stated.

Selectman Cook authorized the Board of Selectmen to sign manifests and order the Treasurer to sign checks dated April 17, 2003. Accounts Payable - \$21,843.36, Gross Payrolls - \$26,020.10, for a total of - \$47,863.46, and one voided check in the amount of \$1,517.73. Seconded by Selectman McDonald. A vote was taken. Motion passed all in favor.

4. NEW BUSINESS

Selectman McDonald brought board up to date with park and recreation. Stated he was impressed with new programs and they are attempting to cross train all gate attendants as lifeguards this year. Stated they are also going over equipment for Chase Park. Lifeguard equipment is depleted. They need a cooler. Need first aide kits for Chase Park, and Police and Fire Chiefs are going to get together to see if they can get that for them.

Selectman Methot stated that regarding the memo Bailey vs. the Town of Weare Ms. Bolton wanted to know if she could act without a meeting. Selectman Cook stated that she should not have to wait for a meeting, it should be a consensus of the board.

Selectman Methot asked if there is a standard answer for people to buy land from the town? Stated he hopes they are being told that it needs a public auction. Selectman Cook informed Selectman Methot that they are.

Selectman Methot stated that there is \$12,000.00 allocated for the security for the safety complex. Stated that this does not adequately meet Chief's needs. Stated he is offering his own company to do the work for no profit and is hoping to get approval from the board for the wiring of the safety complex. Stated he will provide the wiring at his own cost and will be substantial savings to the town. Selectman Cook asked if they have time to act on this? Selectman Methot responded yes, and would like to go through it with the board.

Selectman Petrain stated that there is a letter from Ms. Chris Hagg to appoint two alternates to the Library Trustees. Selectman Petrain made motion to appoint Sharon Fudala and David Robinson as alternates for Library Trustees. Seconded by Selectman Methot. A vote was taken. Motion passed all in favor.

Selectman Pertain gave Selectman Cook some police issues. Issues on Chuck St. that has been addressed with police, regarding traffic and speeding. Also ATV riders on

Pine Rock Road. Stated that the problem in the past is that by the time the police have gotten there they are gone.

Selectman Cook stated there has been a request for usage of the Town Hall from Bobby Reeve for a memorial concert for his late wife. Selectman Cook made motion to wave fees for town hall. Seconded by Selectman McDonald. A vote was taken. Motion passed all in favor.

Selectman Cook stated that there is a situation with the electrical in the building. Stated that there was a situation Friday where they were without heat, and in trying to solve the problem, a couple of things happened. Stated that a light blew off the ceiling. Showed board sample of the damaged wiring in the building. When the electrician came for the furnace and looked at the panel and stated it was very dangerous. Stated that the electrical service output from the panel is at least two times what the panel is designed to accommodate. In Fire Marshals report of September 2000 it states there are electrical problems. Selectman Methot stated he does not think you need a formal bid process, just get some electricians to give a quote. Selectman Cook stated that he will get a couple of quotes.

Selectman Cook stated that he would like to bring it to Selectman McDonald's attention that in New Boston the public recreation is put out in a news letter a couple times a year. Found it interesting that there is a list of all activities, not only from the parks and rec. It also has advertising signs for the ball field. Wanted to bring it up and maybe suggest it to parks and rec.

Selectman Cook took a moment to mention the Goffstown News, which stated that Weare's Police Chief gets \$13, 000 raise. Also, Weare Free Press stated Chief Rigney received \$14,659.00 raise. Stated there will be corrections to these statements.

5. PUBLIC PARTICIPATION

Mr. Forrest Eswenwine stated he would like to see the board adopt an operating policy in regards to votes by the board, especially when there is less then a full board present. Would like to see that at any Selectmen's meeting any motion passed must receive 3 affirmative votes. Selectman Methot stated he does not feel comfortable making a decision in the instance there is not a full board present at this time.

6. ADJOURNMENT

Selectman Methot moved to adjourn at 9:00 p.m. Seconded by Selectman Cook. A vote was taken. Motion passed unanimously.

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A True Record

Kelly Bumpus, Recording Secretary